



RAPID RESPONSE

Drafter: Mereana Latimer

Metis Number: 1290306

Date: 28 June 2022

Request

Following correspondence from Gordy Lockhart, you have requested advice on where the Ministry and/or government stands regarding his claims and call for a public inquiry.

Ministry Response

The following response provides information about public inquiries and the issues Mr Lockhart has raised about Bethlehem College, as well as broader concerns about perceived institutionalised anti-LGBTQIA+ practices at schools across Aotearoa.

The Ministry of Education does not instigate public inquiries

Mr Lockhart has requested that the Ministry of Education undertake a formal public inquiry into LGBTQIA+ discrimination and bullying in the education system.

The decision to instigate a public inquiry is made by Ministers, in consultation with officials, the Crown Law Office and State Services Commission as required. The Ministry does not decide whether to instigate this kind of process. Formal public inquiries occur under the Inquiries Act 2013. These can inquire into any matter of public importance or concern to the Government of the day. (The different types of government reviews are available at: <https://www.dia.govt.nz/Different-types-of-government-reviews>.)

The Ministry is working with Bethlehem College

Mr Lockhart is not satisfied with the current public response from Bethlehem College and the Christian Education Trust to concerns raised about the school's Statement of Belief and LGBTQIA+ ākonga inclusion. We are continuing to work with Bethlehem College to make sure they are meeting their legal obligations under the Education and Training Act 2020. We want to be assured that all ākonga, including LGBTQIA+ ākonga, feel safe, have a sense of belonging and are well-supported across all domains. We expect that the outcomes of these discussions will be made public in due course as part of our proactive release policy.

On 23 June, we provided a rapid response updating you on actions the Ministry has taken with regard to complaints concerning Bethlehem College and its Statement of Belief [METIS 1289942 refers].

LGBTQIA+ ākongā and school practices in Aotearoa

Mr Lockhart notes concerns about institutionalised anti-LGBTQIA+ practices at schools across Aotearoa, particularly at state-integrated schools. Matamata Christian School and Cornerstone Christian School are given as two specific examples of state-integrated schools that have made public statements about beliefs regarding marriage.

All schools, including state-integrated schools, must act in ways that are consistent with the Education and Training Act 2020. Under the Act, a school's board is required to ensure their school is a physically and emotionally safe place to be for all students and staff, uphold students' rights and take all reasonable steps to eliminate any form of discrimination within the school. Following this, school policies should protect and promote the safety and inclusion of all students, including LGBTQIA+ students.

State integrated schools teach the New Zealand curriculum but keep their own special character, which must be a philosophical or religious belief, as part of the school programme. This is described in the integration agreement between the Minister of Education and the school's proprietor. State integrated schools have the right to reflect, through their teaching and conduct, their agreed education with a special character, but must also meet the state school requirements outlined in the Education and Training Act 2020. The integration agreements for state-integrated schools are available at: <https://www.education.govt.nz/our-work/information-releases/issue-specific-releases/integration-agreements-for-state-integrated-schools/>.

The role of the proprietor of a state-integrated school includes being responsible for maintaining the school's special character. We encourage proprietors to review their school's special character and consider it within the 21st century culture of Aotearoa New Zealand. This process could include a special character review process, and consultation with the school community about aspects of the education that the school provides and how it reflects the school's special character.

Next steps

We continue to work with Bethlehem College about the concerns that have been raised. As part of this work, we will consider how voices in the school community can inform this process and be heard in a genuine and safe way.

The Ministry will continue to support schools to (a) meet the needs of LGBTQIA+ ākongā and (b) ensure they are meeting their legislative obligations under the Education and Training Act 2020. For state-integrated schools, including Matamata Christian School and Cornerstone Christian School, we expect that discussions with Bethlehem College will inform how we approach future discussions, or clarify legislative expectations regarding LGBTQIA+ ākongā more broadly.

We know that Rainbow ākongā do not always have positive education experiences. We would like to discuss our ongoing work to support Rainbow ākongā inclusion in education with you.



RAPID RESPONSE

Drafter: Mereana Latimer

Metis Number: 1290360

Date: 28 June 2022

Request

You have asked for assistance to respond to a media enquiry from Kirsty Johnston from Stuff, regarding state-integrated schools' beliefs about marriage and gender.

Ministry Response

The Ministry has also been contacted directly by Kirsty Johnston from Stuff and asked to respond to similar questions for this story. Our response is as below:

- The Board of a state-integrated school is required, under s127 of the Education and Training Act 2020, to be inclusive of, and cater for, students with differing needs.
- Under the Education and Training Act 2020, state-integrated schools are legally entitled to have a special character. That character may be religious.
- The school has an obligation to reflect that special character in its teaching and conduct. By enrolling a student at a state-integrated school, a parent is considered to have accepted as a condition of enrolment that the student is to participate in the general school programme that gives the school its special character.
- The school's special character is stated in a school's [integration agreement](#), but a more detailed statement of belief is sometimes included, as in the case of Bethlehem College.
- How those beliefs are operationalised should reflect the integration agreement and the requirements of the New Zealand Bill of Rights Act 1990 and Human Rights Act 1993. This means not discriminating against anyone.
- If any parent, caregiver or whānau have concerns about student safety at any school, they should contact the Board, or their local Ministry of Education office (Te Mahau). We will provide advice and guidance, and follow up as appropriate.

Additional background information

All schools, including state-integrated schools, must act in ways that are consistent with the Education and Training Act 2020. Under the Act, a school's board is required

to ensure their school is a physically and emotionally safe place to be for all students and staff, uphold students' rights and take all reasonable steps to eliminate any form of discrimination within the school. Following this, school policies should protect and promote the safety and inclusion of all students, including LGBTQIA+ students.

State-integrated schools receive some government funding, and schools charge attendance dues to meet remaining property costs. [Schedule 6](#) of the Education and Training Act 2020 sets out requirements for state-integrated schools, including describing how integration agreements between the Minister and a school's proprietor may be entered into and ended.

Information about public inquiries was included in advice we provided today responding to correspondence from Gordy Lockhart calling for a public inquiry into LGBTQIA+ discrimination and bullying in the education system [METIS 1290306 refers]. We note that the decision to instigate a public inquiry is made by Ministers, in consultation with officials, Crown Law Office and State Services Commission as required.

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